

BOARD OF COUNTY COMMISSIONERS' MEETING

May 25-26, 1977

Wednesday, May 25, 1977

Present: Commissioner James M. McKay, President
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

(Commissioner Dean was not present.)

The meeting came to order at 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of May 18-19, 1977 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners present voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, as submitted, seconded by Commissioner Millison. All Commissioners present voted in favor.

(Commissioner Dean entered the meeting at 9:15 a.m.)

OFFICE OF EMERGENCY PREPAREDNESS

Present: Otis Wood, Director, Office of Emergency Preparedness

Mr. Wood appeared before the Commissioners to give a status report of the various projects of his office including: heliport, which should be completed June 6; derelict boat removal program; switch-over equipment for Sheriff's Department; and the "911" emergency system implementation.

EMS TOWER

Present: Otis Wood, Director, Office of Emergency Preparedness

Mr. Cox, County Administrator and Mr. Wood requested from the Commissioners the use of \$500 from the \$1500 previously allocated for the EMS tower project for architectural services to prepare all necessary documents for bids. The Commissioners concurred with this request.

ADOPTION OF ST. MARY'S COUNTY SEWER USE ORDINANCE

Commissioner Parlett made a motion to adopt the St. Mary's County Sewer Use Ordinance, which had been presented at last week's meeting, with appropriate changes made, seconded by Commissioner Jarboe. All Commissioners voted in favor.

DIRECTOR OF BIG BROTHER/BIG SISTER PROGRAM

The County Administrator advised the Commissioners that the Selection Committee for the above-referenced position has recommended Mr. Joseph Anderson for this position.

After discussion, Commissioner Jarboe made a motion to hire Joseph Anderson as Director of the Big Brother/Big Sister Program at the recommendation of the Selection Committee; said position being funded through an LEAJ Grant, seconded by Commissioner Millison. All Commissioners voted in favor.

CIRCUIT COURTROOM

On behalf of the County Engineer, the County Administrator presented an estimate from Bryan & Associates, Inc. for the staining and varnishing of the wainscoting in the Circuit Courtroom at a cost of \$1,500. Commissioner Parlett made a motion to award the contract to Bryan & Associates, Inc. in the amount of \$1,500 and that the appropriate amount be transferred from the Contingency Account, seconded by Commissioner Dean. All Commissioners voted in favor.

ST. JOSEPH'S RECREATIONAL CENTER - SITE PLAN REVIEW FEE

The County Administrator presented a letter for the Commissioners' signatures addressed to Mr. John Wooten, St. Joseph's Recreational Center, in response to his letter dated May 6, 1977 which requested a waiver of the Site Plan Review fee. The Commissioners advised Mr. Wooten that there has been no waiving of this fee in the past for other organizations; however, the Commissioners have included in the budget for fiscal 1977-78 the sum of \$3,150 for the Oakville Recreation Center. The Commissioners agreed to sign and forward said letter.

In light of the fact that the Commissioners have budgeted \$3,150 for the Center, Commissioner Millison withdrew his motion of last week to abate the Site Plan Review fee.

PUBLIC WORKS AGREEMENT
ST. MARY'S INDUSTRIAL PARK - SECTION II

The County Administrator presented the Public Works Agreement by and between St. Mary's Industrial Park, Inc. and St. Mary's County for St. Mary's Industrial Park, Section II guaranteeing completion of all required public improvements in said subdivision, with appropriate surety bond attached.

Commissioner Millison made a motion that the County enter into said Public Works Agreement and accept said bonding, seconded by Commissioner Parlett. All Commissioners voted in favor.

CETA PROGRAM

The County Administrator advised the Commissioners that St. Mary's County is eligible for additional CETA funding. Because of the time restraints the County Administrator requested authority to proceed to meet the deadline requirements without returning to the Commissioners for approval for the submissions; however, the Commissioners would be kept informed by way of their mail boxes. The Commissioners gave their concurrence.

PERSONNEL MANUAL UPDATE

The County Administrator advised the Commissioners that preparations are being made for the first annual update of the Personnel Manual and the Commissioners agreed to hold a Public Hearing on the update on June 15, 1977 at 7:00 p.m. in the Circuit Court Room.

GOVERNOR'S CONFERENCE ON VOLUNTARISM

The County Administrator advised the Commissioners of the Governor's Conference on Voluntarism scheduled for June 9, 1977. St. Mary's County will have representatives at the Conference. Our efforts are being coordinated by Mrs. McGaharn who is seeking attendees from the various boards, committees, and commissions.

SUMMER YOUTH EMPLOYMENT PROGRAM

Present: Delores Hill, Youth Services Coordinator
Charlie Walsh, Director, Summer Youth Employment Program

Miss Hill presented to the Commissioners the Youth Summer Employment Program Description and explained the various aspects of the program, including participants and placements. With regard to funding, Miss Hill explained that CETA will be providing funding in the amount of \$38,735 for salaries and administration, in addition to the funding provided by the County in the 1977-78 budget. In addition, Miss Hill advised the Commissioners that there is remaining in the Fiscal '77 budget \$4,786 for salaries and \$379 operating expenses.

Later in the meeting, after discussion, Commissioner Jarboe made a motion to approve the Summer Youth Employment Program as presented and to authorize the Youth Commission to utilize the remaining funds from the fiscal '77 appropriations as start-up money to begin the new program, seconded by Commissioner Millison. All Commissioners voted in favor.

YOUTH COMMISSION PROGRAMS

Delores Hill reported to the Commissioners on the various activities of the Youth Commission office including the Southern Maryland Youth Services, U.S.A. and the Youth Walk.

PITCH-IN PROGRAM

Present: Marvin Joy, Chairman, Bicentennial Commission
John Norris, County Engineer

Mr. Joy and Mr. Norris appeared before the Commissioners to request their concurrence for the expansion of the Pitch-In Program from the Charles County - St. Mary's County line on Route 234 to Route 5 at a cost of approximately \$236.04 plus an approximate additional cost of \$60 per month contract costs.

Commissioner Dean made a motion to authorize the expansion of the program as presented by Mr. Norris and Mr. Joy, seconded by Commissioner Jarboe. All Commissioners voted in favor.

PUBLIC HEARING
HOUSING ASSISTANCE PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT

Present: Donald Curtis, Housing Coordinator

In order to meet the requirements of the federal grant application, a public hearing was held at this time to explain the contents of the CDBG application in the amount of \$232,500 for administration, site acquisition/improvement for home ownership, and home rehabilitation/water sewer service. Mr. Curtis explained in detail the above-referenced items and those in attendance were asked for comments, opinions or questions. After discussion and no further comments were offered, the hearing was closed.

REZONING HEARING - CASE NO. 77-03
FIRST NATIONAL BANK OF ST. MARY'S

Present: James Kenney, Attorney for the applicant
Joseph M. Gough, President, First National Bank of St. Mary's
J. Spence Howard, Realtor

(Commissioner Millison excused himself from participating in the hearing because of possible conflict of interest.)

Commissioner McKay agreed to participate in this hearing; however, because he is a small stockholder in the bank, requested that Commissioner Vice-President Parlett preside over the hearing, because of the possibility of conflict of interest, but did not want the process of the hearing to be affected.

Commissioner Jarboe also agreed to participate in the hearing; however, because he is a small stockholder in the bank, requested a determination by the County Attorney prior to the decision making meeting whether or not there would be a conflict of interest.

Application was made by First National Bank of St. Mary's to have approximately 35,000 square feet located on the south-east side of Maryland Route 246, southwest of Hopewell Manor, Eighth Election District, rezoned from R-2 residential to C-1 commercial.

The secretary read the Notice of Public Hearing.

The following exhibits were submitted by the attorney for the applicant:

Exhibit 1 (a-f) Return Receipts of Registered Letters to property owners within 200 feet of subject property;

REZONING HEARING - CASE NO. 77-03
FIRST NATIONAL BANK OF ST. MARY'S cont.

- Exhibit 2 (a-d) Photographs of subject property;
- Exhibit 3 - Plat of survey of subject property;
- Exhibit 4 - Qualifications of J. Spence Howard;
- Exhibit 5 - Tax Map showing zoning in area of subject property;

The secretary read the Planning Commission's recommendations as contained in their memorandum dated May 19, 1977.

Commissioner Parlett inquired if anyone present wished to speak for or against this application, hearing none, the hearing was closed.

A tape of the hearing is on file in the Commissioners' Office.

EXECUTIVE SESSION

The Commissioners recessed the meeting at 12:20 p.m. and agreed to meeting in Executive Session in order to discuss a matter of possible litigation. The Session was held from 12:30 p.m. to 12:45 p.m.

Thursday, May 26, 1977

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting reconvened at 9:00 a.m.

COASTAL RESOURCE COMMITTEE

Present: Frank Gerred, County Planner

Mr. Gerred appeared before the Commissioners to explain the establishment of the above-referenced committee which is the former Supplemental Committee of the Chesapeake Bay Coastal Zone Advisory Committee. Mr. Gerred has been appointed Chairman of a sub-committee to review the aspect of public involvement as well as setting up of an organizational structure.

In closing, Mr. Gerred requested any input the Commissioners may have prior to the next committee meeting on June 10, 1977.

APPROVAL OF ENCUMBRANCE VOUCHER

Commissioner Jarboe made a motion to approve Encumbrance Voucher No. 12403 from the State's Attorney's Office payable to D. S. Plunkert, Maryland State Police in the amount of \$500, seconded by Commissioner Dean. All Commissioners voted in favor.

ASPHALT OVERLAY PROJECTS

Present: John Norris, County Engineer

Mr. Norris presented three sets of plans for the Asphalt overlay of certain roads in the Eighth and Third Districts, Project No. 77-1-4, and requested Commissioner McKay's signature. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said plans, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RIGHTS-OF-WAY DEEDS

LARREDORE ROAD

Present: John Norris, County Engineer

Mr. Norris presented Deeds for the rights-of-way for the reconstruction of Larredore Road for the Commissioners' acceptance and approval.

Commissioner Dean made a motion to accept the Deed dated April 1, 1977 in which land is conveyed to St. Mary's County by Winfred Russell, John Walter Abell, Calvin T. Abell, Philip B. Abell, Thomas H. Abell, David L. Abell, and Priscilla Scott, for the reconstruction of Larredore Road, and further that any unpaid taxes be waived for purposes of recording the Deed, seconded by Commissioner Jarboe. All Commissioners voted in favor.

Commissioner Dean made a motion to accept the Deed dated October 1, 1976 in which land is conveyed to St. Mary's County by Jeanette R. Raley, William F. Russell, and Mary G. Russell, Myrtle Russell, Robert Earl Russell, James G. Adams, and Joan E. Adams, Norris Orville Hanson, and Lucy Mae Hanson, Joseph L. Owens, and Evelyn N. Owens, Francis E. Bean, and Carol E. Bean, Lawrence S. Franck, and Shirley Agnes Franck, William E. Winters, and Dorothy M. Winters, J. Harvey Knott, and Donnie Marie Knott, John Edward Colleary, Jr., and Shirley E. Colleary, James H. Hall, and Irvanette W. Hall, John M. Hodges, and Rosine C. Hodges, Gorda Lee Wilson, and Mary A. Wilson, Leroy W. Duryea and Nancy W. Duryea, William O. E. Sterling, and Marion D. Sterling, Dorothy S. Dorsey, and John S. Weiner, for the reconstruction of Larredore Road, and further that any unpaid taxes be waived for purposes of recording the Deed, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RIGHTS-OF-WAY DEEDS
LARREDORE ROAD cont.

Commissioner Jarboe made a motion to accept the Deed dated March 21, 1977 conveying land to St. Mary's County by Aloysius D. Mattingly and Anna Dell R. Mattingly and further to accept the Deed dated January 15, 1977 conveying land to St. Mary's County by Jane F. Blakeney for the reconstruction of Larredore Road, and that any unpaid taxes be waived for the purposes of recording these Deeds, seconded by Commissioner Millison. All Commissioners voted in favor.

GOLDEN BEACH ROAD
RIGHT-OF-WAY DEED

Present: John Norris, County Engineer

Mr. Norris presented the Deed dated May 5, 1977 by and between Alfred L. Sylvester and Robert E. Pogue and the County Commissioners of St. Mary's County for the reconstruction of Golden Beach Road. Commissioner Dean made a motion to accept said Deed, contingent upon obtaining any additional signatures that may be necessary that would provide clear title to the property, seconded by Commissioner Parlett. All Commissioners voted in favor.

AUTHORIZATION FOR EXTRA WORK - LINCOLN AVENUE RECONSTRUCTION

Present: John Norris, County Engineer

Mr. Norris presented the above-referenced Extra Work Authorization for Dean Construction Company for the Lincoln Avenue reconstruction project which includes an extension of six days to the contract. Commissioner Parlett made a motion to approve and authorize Commissioner President McKay to sign the Extra Work Authorization in the amount of \$9,150, seconded by Commissioner Jarboe. Four Commissioners voted in favor, with Commissioner Dean abstaining.

SURFACE TREATMENT PROGRAM

Present: John Norris, County Engineer

Mr. Norris presented Encumbrance Voucher No. 12550 payable to State Highway Administration in the amount of \$50,000 for the FY '78 Surface Treatment Program (advance of funding for projects to be initiated prior to July 1, 1978) and requested the Commissioners' approval.

Commissioner Millison made a motion to approve said encumbrance voucher, seconded by Commissioner Jarboe. All Commissioners voted in favor.

SPEED BUMP REQUEST - COMPTON AREA

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners of certain citizens request for speed bumps in Compton, in the area of Delahay's Marina and that the residents of the area had cooperated in every way to control the problem and were requesting the speed bumps as a last measure. Mr. Norris reiterated his reluctance to recommend speed bumps and requested direction from the Commissioners in that it has been seven months since the initial request and the problem of speeding has increased. The Commissioners directed the County Engineer to write a letter to the Maryland State Police requesting extra attention to this area and that the area be posted.

REQUEST FOR USE OF ANNUAL LEAVE

Present: John Norris, County Engineer

Mr. Norris indicated to the Commissioners that Dan Ichniowski of his office is on two week's military duty and due to the fact that he is still on six-month probationary period, is requesting use of two days annual leave. The Commissioners directed that Mr. Ichniowski put this request in writing.

CONSTRUCTION OF WHARF AT END OF PAUL ELLIS ROAD

Present: John Norris, County Engineer

Mr. Norris stated that his office has been contacted by the Department of Natural Resources recommending that the County change the grant request for the above-referenced project from \$5,000 to \$25,000. Commissioner Jarboe made a motion to approve the change of grant request as recommended by the Department of Natural Resources, seconded by Commissioner Parlett. All Commissioners voted in favor.

BUILDABLE LOT CRITERIA

Present: John Norris, County Engineer

Mr. Norris stated that after viewing some of the subdivisions in the northern end of the County, it was apparent to him of the need for the County's proposed buildable lot criteria in the Subdivision Regulations. Mr. Norris recommended that the Commissioners tour some of the subdivisions in this area where there is concentrated development in order to make them aware of the situation.

PUBLIC WORKS AGREEMENT
NORTH INDIAN CREEK ESTATES

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement by and between Oliver R. Guyther and St. Mary's County for North Indian Creek Estates, Fifth Election District, guaranteeing completion of all required public improvements in said subdivision. Commissioner Millison made a motion to accept said Public Works Agreement and appropriate surety bond, seconded by Commissioner Jarboe. All Commissioners voted in favor.

WATERSIDE DRIVE

Present: Mr. and Mrs. Richard Hyde

Mr. and Mrs. Hyde appeared before the Commissioners to express their points of view regarding the situation and problems on Waterside Drive as it affects his property and that of his neighbor Mr. Burgess. Mr. Hyde gave chronology of events as they appeared to him and explained in detail his opinion of the controversy with Mr. Burgess.

The Commissioners thanked Mr. and Mrs. Hyde for their presentation.

REZONING DECISION

REZONING CASE NO. 77-01 - CARROLL ROGER BUSSLER

Commissioner Dean made a motion, seconded by Commissioner Millison that the Board of County Commissioners, having conducted the required finding of facts in this case, concludes that the subject property be reclassified from AR-2, agricultural residential, to C-2 commercial. The basis for this conclusion being:

1. Leonardtown is not only the County seat, but is also one of the major commercial centers of the county. As such, it is envisioned by the Comprehensive Land Use Plan as being an area within which further commercial development might be expected and desired to occur to provide a concentration and variety of commercial services for the County's residents. Though the subject parcel of property is not within the corporate limits of Leonardtown, it is nevertheless in immediate proximity and thus is considered to be embodied within the same general neighborhood. It is logical to assume that if the Comprehensive Land Use Plan envisions the Leonardtown area to be a major commercial center, then land area adjacent to the town would be expected to be developed commercially as demand might warrant.

REZONING DECISION

REZONING CASE NO. 77-01 - CARROLL ROGER BUSSLER (cont.)

2. The subject parcel is located on the dualized portion of State Route 5, with a paved shoulder which lends itself to be developed as deceleration lane to serve a commercial development. These particular factors serve to minimize the impact on traffic flow which commercial development of the property might be expected.

3. The subject parcel is bounded on one side by an existing non-conforming commercial building; and one side by woodland; one one side by Route 5; and on the remaining side by an extremely steep and high bluff which serves as an effective natural boundary. The subject parcel is additionally not located next to any immediately adjacent residence.

4. An analysis of the zoning maps shows that across Route 5 from the subject parcel and to the southeast is a large parcel of property classified as PD-SC. To the northwest at a relative short distance are four additional parcels -- two of which are zoned C-1, one zoned C-2, and one zoned Industrial, with three of these four parcels being already developed upon. Additionally, other already developed non-residential uses exist also to the immediate northwest. These include Hopton Park Plaza, Maryland Tobacco Growers' Association, Radio Station WKIK, a medical building, and a State Highway Administration salt storage facility. The subject parcel between this non-residential development and the more intensely commercial development in the vicinity of the corporate limits of Leonardtown.

5. Considering all of the above, there is some reasonable basis for concluding that a mistake was made in the original Comprehensive Land Use Plan to be a major commercial center but no complete, orderly, and logical provision was made in the original zoning by which same might be achieved.

All Commissioners voted in favor of this motion.

TANNERS CREEK PROJECT

The County Administrator presented a letter addressed to St. Paul Fire and Marine Insurance Company calling the bond on the Williams Enterprise, Inc. on the Tanners Creek Shore Erosion Project for non-compliance with the project agreement. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said letter, seconded by Commissioner Jarobe. All Commissioners voted in favor.

COMMUNITY DEVELOPMENT BLOCK GRANT

The County Administrator requested that the Board of County Commissioners authorize Commissioner President McKay to sign the CDBG Application as presented by Mr. Donald Curtis at the public hearing held yesterday. Commissioner Jarboe made a motion to grant this authorization, seconded by Commissioner Parlett. All Commissioners voted in favor.

ELMS PROPERTY

Commissioner Jarboe stated that he would request John Baggett, Director, Recreation and Parks, and someone from the County Engineer's Office to go to the Elms Property site to determine what necessary work needs to be done to make improvements to the road to the beach area and recommended that the project proceed if economically feasible. The Commissioners concurred with this recommendation.

(Commissioner McKay left the meeting at 11:15 a.m.)

HISTORIC DISTRICT COMMISSION

Present: Polly Barber, St. Mary's City Commission

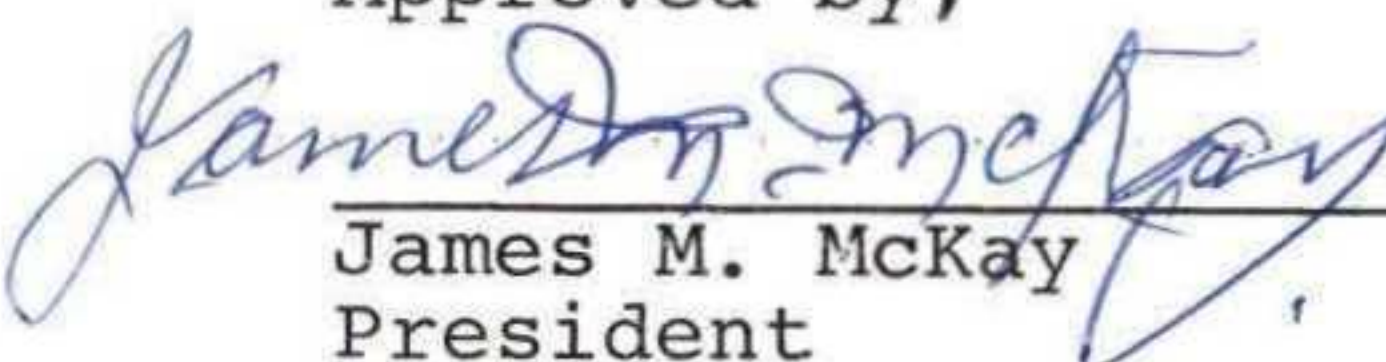
In addressing the appointment by the Commissioners of an Historic District Commission, Commissioner Dean suggested that a copy of the section of the Zoning Ordinance pertaining to the Historic District Commission be sent to the Director of the Historical Society, with a statement to the effect that the Commissioners are giving this some consideration, and requesting comments and recommendations from the Historical Society. The Commissioners agreed with this recommendation and requested the County Administrator to draft such a letter requesting a response within three to four weeks. The letter should also request that a member of the Historical Society serve on the Mattapany Road Study Committee.

ST. CLEMENTS ISLAND AND POTOMAC RIVER MUSEUM
LETTER TO FRED ESKEW, DEPARTMENT OF NATURAL RESOURCES

Commissioner Dean presented a letter addressed to Mr. Fred Eskew, Department of Natural Resources, concerning the development of an overall development plan for the Museum and also requesting assistance in concert with the Director of Recreation and Parks to perform an engineering analysis of the pier. The Commissioners agreed to sign and forward said letters contingent upon review and acceptance by the Museum Curator, Michael Humphries.

The meeting adjourned at 11:50 a.m.

Approved by,


James M. McKay
President